

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:11CV137-RLV**

DOUGLAS K. ANDERSON,)
Plaintiff,)
)
)
v.)
)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
)

**ORDER WITH REMAND PURSUANT
TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

The defendant, Michael J. Astrue, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing the Commissioner's decision with a remand of the cause to the Commissioner for further administrative proceedings.

Upon remand to the Commissioner, the Administrative Law Judge ("ALJ") will be directed:

[T]o evaluate the medical opinions from Drs. Duszak, Krishnamurthy and Sahoni, as well as reevaluate all of the medical opinions in the record. The ALJ will also be directed to further evaluate the claimant's mental impairments and residual functional capacity. If the record that is redeveloped and reevaluated establishes significant limitations in the claimant's ability to perform his past relevant work, supplemental evidence from a vocational expert will be obtained.

(Document #15-1 / Mem. In Supp., 1-2).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request to remand this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. *See Shalala v. Schaefer*, 509

U.S. 292, 296-97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991). The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorney's fees, including any motion for such fees under the Equal Access to Justice Act ("EAJA"). Plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorney's fees under EAJA in this matter.

Signed: July 2, 2012



Richard L. Voorhees
United States District Judge

